

\*\*E-Filed 6/27/06 \*\*

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

RANDY NUNEZ,

Petitioner,

v.

JEANNE S. WOODFORD,

Respondent.

Case Number C 05-02878 JF

ORDER<sup>1</sup> GRANTING  
RESPONDENT'S MOTION TO  
DISMISS PETITION FOR WRIT OF  
HABEAS CORPUS

[re: docket no. 3]

On July 14, 2005, Petitioner Randy Nunez filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On May 22, 2006, Respondent Jeanne S. Woodford, Warden, filed a motion to dismiss the petition on the ground that it is untimely. Pursuant to the Antiterrorism and Effective Death Penalty Act of 1996, a one-year statute of limitations applies to the filing of a federal habeas petition. 28 U.S.C. § 2244. Petitioner's petition for review in the California Supreme Court was denied on October 3, 2000. Petitioner has not filed an opposition to the instant motion. Accordingly, because Respondent's motion to dismiss is unopposed and

<sup>1</sup> This disposition is not designated for publication and may not be cited.

1 appears to be well-founded, the Court will grant the instant motion to dismiss without prejudice.  
2 Having considered this matter without oral argument, pursuant to Civil Local Rule 7-1(b), the  
3 hearing scheduled for June 30, 2006 shall be vacated. The clerk of the court shall close the file.

4 IT IS SO ORDERED.

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6 DATED: June 27, 2006

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JEREMY FOVELL  
United States District Judge

1 This Order has been served upon the following persons:

2 Robert Zaiden Corrado        bob@corradolaw.com

3 Christina Vom Saal        christina.vomsaal@doj.ca.gov